

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:19-CT-03040-M

This cause is before the court on plaintiff's pending motions. See [D.E. 151, 157, 164].

In his self-styled motion “to correctly apply North Carolina’s administrative remedy procedure (ARP) to the facts of this case,” plaintiff seeks, *inter alia*, “an evidentiary hearing on all disputed material facts that relate to the exhaustion of administrative remedies in this matter.” See Mot. [D.E. 151] at 29–30. In his self-styled motion “to vacate order (doc. 152) and to re-open discovery [sic],” plaintiff seeks, *inter alia*, a stay of the deadline for dispositive motions and a 90-day discovery period to address administrative exhaustion issues. See Mot. [D.E. 157] at 7.

In response, defendants: 1) seek to withdraw, without prejudice to replead, failure to exhaust administrative remedies as an affirmative defense; and 2) assert that discovery should not be reopened because exhaustion related issues are moot. See [D.E. 163].

After consideration, the court DENIES AS MOOT plaintiff's motions [D.E. 151, 157].

The court now turns to plaintiff's self-styled "notice of completion and request for resubmission of summary judgment motion (doc. 86) which has been fully briefed on the merits by the parties (doc.'s 107, 108, 109, 116, 118, and 120) [sic]." See Mot. [D.E. 164].

After consideration, the court: GRANTS IN PART this motion [D.E. 164] to the extent plaintiff seeks to cite or otherwise rely upon the exhibits and other materials previously submitted in this action; but DENIES this motion [D.E. 164] to the extent plaintiff asks the court to reinstate defendants' prior motion for summary judgment.

The court further LIFTS the prior stay on the dispositive motion deadline. See Order [D.E. 159]. The parties shall have until January 10, 2025, to file any dispositive motions.

SO ORDERED this 15<sup>th</sup> day of November, 2024.

  
RICHARD E. MYERS II  
Chief United States District Judge